

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:
LELSLIE L. LIPSEY and
TINA M. LIPSEY**

CHAPTER 13 CASE NO:

20-10231-JDW

NOTICE OF TRUSTEE'S MOTION TO DISMISS

Should any party receiving this notice respond or object to said motion, such response is required to be filed on or before September 17, 2020, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy of such response must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time for responses has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney if known.

Dated: August 24, 2020

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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IN THE MATTER OF:

CHAPTER 13 CASE NO.:

**LESLIE L. LIPSEY and
TINA M. LIPSEY**

20-10231-JDW

MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”) by and through counsel, and files this Motion to Dismiss (the “Motion”) and in support thereof states as follows:

1. On January 17, 2020, the Debtors initiated this proceeding with the filing of a Chapter 13 bankruptcy petition. The Debtors’ Chapter 13 plan was confirmed by Order of this Court on April 24, 2020, for a term of fifty-four (54) months (Dkt. #39) (the “Confirmed Plan”).

2. The Internal Revenue Service (the “IRS”) filed a Proof of Claim (Clm. #14-1) (the “Claim”) in the total amount of \$97,430.01 of which \$44,304.31 is entitled to priority. The Plan does not include a provision for the Claim.

3. Additionally, based on the filing of the Claim, the Confirmed Plan is no longer feasible. The Debtors’ monthly net income is \$536.00 according to Schedule J (Dkt. #14, Pg. 26) and the current plan payment is \$582.50 per month. To pay the Claim, the plan payment will have to increase to \$1,618.50 per month.

4. Further, the Debtors are \$594.00 delinquent in plan payments through July 2020.

5. The Trustee requests that the case be dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: August 24, 2020

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: August 24, 2020

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN